

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**

**Plaintiff**

**v.**

**PUERTO RICO POLICE DEPARTMENT and  
COMMONWEALTH OF PUERTO RICO,**

**Defendants.**

**CIVIL NO. 12-cv-2039 (GAG)**

**MOTION IN COMPLIANCE WITH ORDER**

**MAY IT PLEASE THE COURT:**

COME NOW, Codefendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau (“PRPB”), through the undersigned attorneys, and very respectfully state and pray:

1. During the August 23, 2022 status conference, after a discussion among the parties on the subject, this Honorable Court ordered the Commonwealth to submit within thirty (30) days an update as to the status of PRPB’s participation in the USDOJ’s Equitable Sharing Program. In compliance with the Order of the Court, the Commonwealth reports as follows:

i. the Money Laundering and Asset Recovery Section (“MLARS”) of the USDOJ administers the Equitable Sharing Program.

ii. PRPB has been actively working with MLARS for over a year in efforts to obtain good standing and therefore access to Equitable Sharing Program funds. For the reasons

explained below, PRPB's compliance review process by MLARS is closely related to that of the Puerto Rico Special Investigations Unit's ("SIU").<sup>1</sup>

iii. on August 22, 2022, MLARS granted the Commonwealth until September 30, 2022 to provide an update on certain requested matters and to the Standard Operating Procedure ("SOP"), as part of its compliance review for the SIU. See Exhibit 1.

iv. on August 29, 2022, a full month before the expiration of the period granted, the Commonwealth submitted the required update, addressing all matters raised by MLARS' Compliance Review Team. See Exhibit 2.

v. MLARS acknowledged receipt the same day, August 29, 2022, and indicated that the Compliance Review Team would be revising the submittal and reporting back with comments. See Exhibit 3.

vi. As of today, the Commonwealth has not received a response from MLARS regarding the August 29<sup>th</sup> submittal.

2. The tract or timeline regarding MLARS' compliance review for the SIU is very relevant to that of PRPB because on or around June 2022, representatives of MLARS informally indicated to the Commonwealth that compliance review for the SIU had to be completed before processing compliance review for PRPB. Both SIU and PRPB are part of the Department of Public Safety ("DPS").

3. Compliance review for PRPB had started over a year ago, around August 2021, when MLARS pointed out some discrepancies in its reporting. DPS/PRPB had numerous

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<sup>1</sup> The Spanish acronym for SIU is "NIE" or "Negociado de Investigaciones Especiales".

information exchanges with MLARS for several months thereafter in 2021, through Abigail Smallman, MLARS' Records Examiner/Analyst. The last submittal of information to Mrs. Smallman regarding PRPB's compliance, in response to MLARS' requests, was on February 17, 2022. See Exhibit 4.

4. On March 2, 2022, DPS/PRPB followed up with Mrs. Smallman regarding the February 17<sup>th</sup> submittal. See Exhibit 4.

5. On April 18, 2022, DSP/PRPB again followed up with Mrs. Smallman. See Exhibit 5. That same day, Mrs. Smallman responded to DSP/PRPB stating that "there are currently no updates available on your status, as your agency is currently under review by our Compliance Review Team." See Exhibit 5.

6. The Commonwealth never received a final compliance review response from MLARS regarding PRPB.

7. The Commonwealth very respectfully informs the Honorable Court that it understands that as of today there is no deliverable owed to MLARS regarding the SIU or PRPB's compliance review process in order to gain access to the Equitable Sharing Program.

**WHEREFORE**, the Commonwealth of Puerto Rico respectfully requests that this Honorable Court deem its Order made in open Court during the August 23, 2022 hearing in connection with the Equitable Sharing Program as complied with.

**WE HEREBY CERTIFY** that on this same date, the forgoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel for Plaintiff and all participants of record.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico on this 22<sup>nd</sup> day of September, 2022.

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